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Byron Buck 641 11th Street	. NE		GELAGAY,	GELAGAY, SHEWAYE		
Washington, I			ART UNIT	PAPER NUMBER		
			2133			

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application	No.	Applicant(s)				
Office Action Summary		09/982,019		BUCK, BYRON				
		Examiner		Art Unit				
		Shewaye G	elagay	2133				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
THE : - Exte after - If the - If NC - Failu	ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. It is period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period for the toreply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, ly within the statuto will apply and will e e, cause the applica	, however, may a reply be timery minimum of thirty (30) days expire SIX (6) MONTHS from the tition to become ABANDONEC	ely filed will be considered timely the mailing date of this co (35 U.S.C. § 133).				
Status								
1)[Responsive to communication(s) filed on 19 C	<u> October 2001</u> .						
2a) <u></u>	This action is FINAL . 2b)⊠ This	s action is nor	n-final.					
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims								
4)⊠ 5)□ 6)⊠ 7)□	 Claim(s) 1-33 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. □ Claim(s) is/are allowed. □ Claim(s) 1-33 is/are rejected. □ Claim(s) is/are objected to. 							
Applicati	ion Papers							
9)[The specification is objected to by the Examine	er.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority ι	under 35 U.S.C. § 119							
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 								
Attachmen	it(s)							
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)								
2) Notice 3) Information	ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) er No(s)/Mail Date <u>10/19/2001</u> .) 5	Paper No(s)/Mail Da) Notice of Informal Pa) Other:	te	O-152)			

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DETAILED ACTION

1. Claims 1-33 have been examined.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 23-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is not tangibly embodied, as it is only software per se. It is suggested that the claimed subject matter "a computer software product " should be changed to "a computer software product stored on a computer-readable medium."

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 1-4, 6-21, 23-24, 26-27 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. United States Letters Patent Number 5,987,440 in view of Blumenau United States Letters Patent Number 6,529,952.

As per claim 1:

O'Neil et al. teach a method of allowing a user to browse the Web without reducing access and without privacy concerns, comprising:

enabling the user to create a personal profile; (Col. 2, lines 19-22; Col. 6, lines 1-3 and Col. 7, lines 13-18)

determining if a site has executed a contract regarding privacy; (Col. 2, lines 45-46)

making available an electronically-created file to the site, the file containing or enabling the site to access profile information about the user if the site has executed the contract; (Col. 2, lines 47-48)

removing or hiding the cookie if the site has not executed the contract; (Col. 2, lines 48-49) and

O'Neil et al. further disclose a member can assign access rules to each piece of personal information before an individual piece of information can be processed. In addition, O'Neil et al. teach information may be transport packaged with transitive privilege rules attached.

O'Neil et al. do not explicitly disclose accepting a cookie from Web sites that send cookies; and forwarding an electronically-created file to the site offering the site an opportunity to affirm the contract if the site has not executed the contract.

Blumenau in analogous art, however, discloses

accepting a cookie from Web sites that send cookies; (Col. 3, lines 39-41 and Col. 4, lines 17-18)

forwarding an electronically-created file to the site offering the site an opportunity to affirm the contract if the site has not executed the contract. (Col. 4, lines 23-25)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by O'Neil et al. to include accepting a cookie from Web sites that send cookies; and forwarding an electronically-created file to the site offering the site an opportunity to affirm the contract if the site has not executed the contract. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so as suggested by Blumenau, (Col. 3, lines 39-41) in order to collect cookie information and access information regarding usage of the web sites by members.

As per claim 2:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, O'Neil et al. further disclose a method wherein said enabling the user to create a profile includes providing Web-based forms or providing software that queries the user. (Col. 2, lines 49-52)

As per claim 3:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, Blumenau further discloses a method wherein said making available is accomplished by forwarding the electronically-created file to the site. (Col. 3, lines 48-51 and lines 65-67; Col. 4, lines 23-25)

As per claim 4:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, O'Neil et al. further disclose a method wherein said making available is accomplished by placing the electronically-created file on a hard drive of the user. (Col. 5, lines 52-55)

As per claim 6:

O'Neil et al. teach a method of acting as an intermediary between a user and a Web site, comprising:

providing a contract addressing the privacy of the user to the Web site; (Col. 2, lines 13-16)

In addition O'Neil et al. further disclose when a request for a particular piece of information is required the community standards and the rule attached to that piece of information is checked. (Col. 2, lines 40-42). O'Neil et al. do not explicitly disclose causing the contract to be executed by the Web site.

Blumenau in analogous art, however, discloses a method wherein causing the contract to be executed by the Web site. (Col. 5, lines 27-35)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by O'Neil et al. to include a method wherein a method wherein causing the contract to be executed by the Web site. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so as suggested by Blumenau, (Col. 7, lines 8-11) in order to transmit cookie to the web site and also transmit ID contained in the downloaded web page with the cookie.

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As per claim 7:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, O'Neil et al. further disclose a method comprising:

providing data entry means to the user so that the user can provide a personal profile; (see Figure 25; Col. 7, lines 15-18) and

providing the personal profile to the Web site if it has executed the contract. (Col. 2, lines 47-48)

As per claim 8:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, Blumenau further discloses a method wherein said providing the personal profile includes providing an electronically-created file to the Web site. (Col. 3, lines 48-51 and lines 65-67; Col. 4, lines 23-25)

As per claim 9:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, Blumenau further disclose a method wherein said providing an electronically-created file includes providing a unique user identifier code to the Web site, which the Web site can use to obtain the personal profile. (Col. 6, lines 30-32)

As per claim 10:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, Blumenau further discloses a method wherein said providing the personal profile to a Web site includes:

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receiving a request from the Web site for personal profile data meeting certain requirements; and (Col. 4, lines 5-7)

providing information to the Web site based on a conglomeration of data from multiple profiles responsive to the request. (Col. 3, lines 52-53; Col. 5, lines 35-40)

As per claim 11:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, O'Neil et al. further disclose a method wherein said providing the personal profile to a Web site includes providing a limited amount of data based on user-defined criteria. (Col. 2, lines 34-36)

As per claim 12:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, O'Neil et al. further disclose a method wherein said causing the contract to be executed includes sending a message to the Web site if it has not previously executed the contract. (Col. 2, lines 45-46)

As per claim 13:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, O'Neil et al. further disclose a method wherein said causing the contract to be executed includes:

removing or hiding a cookie sent by the Web site if it has not previously executed the contract; (Col. 2, lines 48-49) and

sending a message to the Web site informing it that the cookie will not be available until it executes the contract. (Col. 2, lines 45-46)

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As per claim 14:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, Blumenau further discloses wherein said causing the contract to be executed includes negotiating with the Web site at the outset of the application of the method.

(Col. 5, lines 27-35)

As per claim 15:

O'Neil et al. teach a computerized method of insuring the privacy of a user and obtaining personal information about the user, comprising:

executing a contract addressing the privacy of the user; (Col. 2, lines 45-46)

O'Neil et al. do not explicitly disclose receiving personal information about the user in exchange for executing the contract.

Blumenau in analogous art, however, discloses receiving personal information about the user in exchange for executing the contract. (Col. 4, lines 23-25)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by O'Neil et al. to include accepting a cookie from Web sites that send cookies; and forwarding an electronically-created file to the site offering the site an opportunity to affirm the contract if the site has not executed the contract. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so as suggested by Blumenau, (Col. 3, lines 39-41) in order to collect cookie information and access information regarding usage of the web sites by members.

As per claim 16:

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O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, Blumenau further discloses a method wherein said receiving personal information includes:

sending a cookie to the user; (Col. 3, lines 39-40) and receiving the personal information or a code to obtain the personal information. (Col. 3, lines 40-41)

As per claim 17:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, Blumenau further discloses a method wherein said receiving personal information includes:

sending a cookie to the user; (Col. 3, lines 39-40) and retrieving the personal information or a code to obtain the personal information from a hard drive of the user. (Col. 3, lines 40-41 and Col. 6, lines 30-32)

As per claim 18:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, Blumenau further discloses wherein said receiving personal information includes:

requesting information based on certain demographic and other criteria of users; (Col. 6, lines 33-37) and

receiving data about the users. (Col. 3, lines 40-41)

As per claim 19:

O'Neil et al. teach a system for protecting the privacy of a user, comprising:

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software (Col. 2, lines 1-5) including:

means to determine if a site has executed a contract regarding privacy; (Col. 2, lines 45-46)

means to make available an electronically-created file to sites having executed the contract which contains or enables the site to access profile information about the user; (Col. 2, lines 47-48)

means to remove or hide the cookie if the site has not executed the contract; and means to forward an electronically-created file to the site if the site has not executed the contract which contains a message informing the site of the disposition of its cookie and offers the site a chance to execute the contract; (Col. 2, lines 48-49)

data-entry means which allows the user to enter personal data; (see Figure 25; Col. 7, lines 15-18) and

O'Neil et al. do not explicitly disclose means to accept a cookie if a site sends a cookie; and a user profile database for storing the data.

Blumenau in analogous art, however, discloses

means to accept a cookie if a site sends a cookie; (Col. 3, lines 39-41 and Col. 4, lines 17-18) and

a user profile database for storing the data. (Col. 3, lines 39-41 and lines 45-46 and Col. 7, lines 13-23)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by O'Neil et al. to include means to accept a cookie if a site sends a cookie; and a user profile database

for storing the data. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so as suggested by Blumenau, (Col. 3, lines 39-41) in order to collect cookie information and access information regarding usage of the web sites by members.

As per claim 20:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, Blumenau further discloses a system wherein said means to make available is means to forward the electronically-created file to the site. (Col. 3, lines 48-51 and lines 65-67; Col. 4, lines 23-25)

As per claim 21:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, Blumenau further discloses a system wherein said means to make available is means to place the electronically-created file on a hard drive of the user. (Col. 5, lines 52-55)

As per claim 23:

O'Neil et al. teach computer software product having a computer-executable set of instructions for protecting the privacy of a user, comprising:

means to determine if a site has executed a contract regarding privacy; (Col. 2, lines 45-46)

means to make available an electronically-created file to sites having executed the contract which contains or enables the site to access profile information about the user; (Col. 2, lines 47-48)

means to remove or hide the cookie if the site has not executed the contract; and means to forward an electronically-created file to the site if the site has not executed the contract which contains a message informing the site of the disposition of its cookie, offers the site a chance to execute the contract. (Col. 2, lines 48-49)

O'Neil et al. do not explicitly disclose means to accept a cookie if a site sends a cookie.

Blumenau in analogous art, however, discloses

means to accept a cookie if a site sends a cookie; (Col. 3, lines 39-41 and Col. 4, lines 17-18) and

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by O'Neil et al. to include means to accept a cookie if a site sends a cookie. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so as suggested by Blumenau, (Col. 3, lines 39-41) in order to collect cookie information and access information regarding usage of the web sites by members.

As per claim 24:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, O'Neil et al. further disclose including means for allowing a user to input personal data. (see Figure 25; Col. 7, lines 15-18)

As per claim 26:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, O'Neil et al. further disclose means for allowing a user to input is located on one of a personal computer of the user and a centralized site. (Col. 2, lines 1-5 and Col. 5, lines 52-55)

As per claim 27:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, Blumenau further discloses means to accept a cookie is located on one of a personal computer of the user and a centralized site. (Col. 3, lines 39-41 and Col. 4, lines 17-19)

As per claim 31:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, Blumenau further discloses means to make available is means to forward the electronically-created file to the site. (Col. 3, lines 48-51 and lines 65-67; Col. 4, lines 23-25)

As per claim 32:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, Blumenau further discloses means to make available is means to place the electronically-created file on a hard drive of the user. (Col. 5, lines 52-55)

6. Claims 5, 22 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. United States Letters Patent Number 5,987,440 in view of Blumenau United States Letters Patent Number 6,529,952 and further in view of Merriman et al. United States Letters Patent Number 5,948,061.

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As per claim 5:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, O'Neil et al. further disclose causing a list of the cookies and the pseudocookies to be displayed at the request of a user. (Col. 1, lines 13-15; Col. 2, lines 34-38 and Col. 6, lines 54-55)

Both references do not explicitly disclose a method comprising: creating pseudo-cookies for sites that do not send cookies; and keeping track of the cookies and the pseudo-cookies.

Merriman et al. in analogous art, however disclose a method comprising:

creating pseudo-cookies for sites that do not send cookies; (Col. 5, lines 21-29;

Pseudo-cookies are interpreted as write cookie instruction when the browser has no cookie. This interpretation is given based the explanation given for pseudo cookies on the disclosure)

keeping track of the cookies and the pseudo-cookies; (Col. 5, lines 13-29) and causing a list of the cookies and the pseudo-cookies to be displayed at the request of a user.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by O'Neil et al. and Blumenau to include creating pseudo-cookies for sites that do not send cookies; and keeping track of the cookies and the pseudo-cookies. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so as suggested by Merriman et al., (Col. 5, lines 13-415) in order to

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identify a user by examining the object to determine the IP address and whether a cookie was received or not. This way, if there was no cookies, the server process the user browser to write a cookie containing the unique identification number on the user's local drive.

As per claim 22:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, O'Neil et al. further disclose means for causing a list of the cookies and the pseudo-cookies to be displayed at the request of a user. (Col. 1, lines 13-15; Col. 2, lines 34-38 and Col. 6, lines 54-55)

Both references do not explicitly disclose a system comprising: means for creating a pseudo-cookie if a site does not send a cookie; and means for keeping track of the cookies and the pseudo-cookies.

Merriman et al. in analogous art, however disclose a method comprising:

means for creating a pseudo-cookie if a site does not send a cookie; (Col. 5, lines 21-29)

means for keeping track of the cookies and the pseudo-cookies; (Col. 5, lines 13-29)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by O'Neil et al. and Blumenau to include means for creating a pseudo-cookie if a site does not send a cookie; and means for keeping track of the cookies and the pseudo-cookies. This modification would have been obvious because a person having ordinary skill in the art

would have been motivated to do so as suggested by Merriman et al., (Col. 5, lines 13-415) in order to identify a user by examining the object to determine the IP address and whether a cookie was received or not. This way, if there was no cookies, the server process the user browser to write a cookie containing the unique identification number on the user's local drive.

As per claim 33:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. In addition, O'Neil et al. further disclose means for causing a list of the cookies and the pseudo-cookies to be displayed at the request of a user. (Col. 1, lines 13-15; Col. 2, lines 34-38 and Col. 6, lines 54-55)

Both references do not explicitly disclose a system comprising: means for creating a pseudo-cookie if a site does not send a cookie; and means for keeping track of the cookies and the pseudo-cookies.

Merriman et al. in analogous art, however disclose a method comprising:

means for creating a pseudo-cookie if a site does not send a cookie; (Col. 5, lines 21-29)

means for keeping track of the cookies and the pseudo-cookies; (Col. 5, lines 13-29)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by O'Neil et al. and Blumenau to include means for creating a pseudo-cookie if a site does not send a cookie; and means for keeping track of the cookies and the pseudo-cookies. This

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modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so as suggested by Merriman et al., (Col. 5, lines 13-415) in order to identify a user by examining the object to determine the IP address and whether a cookie was received or not. This way, if there was no cookies, the server process the user browser to write a cookie containing the unique identification number on the user's local drive.

7. Claims 25 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. United States Letters Patent Number 5,987,440 in view of Blumenau United States Letters Patent Number 6,529,952 and further in view of Rowland et al. United States Letters Patent Number 5,848,412.

As per claim 25:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. Both references do not explicitly disclose means for a vendor to make queries as to user input.

Rowland et al. in analogous art, however, disclose means for a vendor to make queries as to user input. (Col. 5, lines 4-7 and Col. 6, lines 29-32)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by O'Neil et al. and Blumenau to include means for a vendor to make queries as to user input. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so as suggested by Rowland et al., (see Abstract) in

order to maintain an information database and access levels. This way, a user is controlling the information disclosure to the vendor.

As per claim 28:

O'Neil et al. and Blumenau teach all the subject matter as discussed above. Both references do not explicitly disclose means for allowing a vendor to input information about the vendor or its products.

Rowland et al. in analogous art, however, disclose means for allowing a vendor to input information about the vendor or its products. (Col. 6, lines 30-49)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by O'Neil et al. and Blumenau to include means for allowing a vendor to input information about the vendor or its products. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so as suggested by Rowland et al., (see Abstract) in order to maintain an information database and access levels. This way, a user is controlling the information disclosure by negotiating a level limit to share information with the web site.

As per claim 29:

O'Neil et al., Blumenau and Rowland et al. teach all the subject matter as discussed above. In addition, Rowland et al. further disclose a means for a user to make queries as to vendor input. (Col. 7, lines 1-3)

As per claim 30:

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O'Neil et al., Blumenau and Rowland et al. teach all the subject matter as discussed above. In addition, O'Neal et al. further disclose means for allowing a vendor to input is located on one of the site of the vendor and a centralized site. (Col. 2, lines 1-5 and Col. 5, lines 52-55)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shewaye Gelagay Examiner Art Unit 2133

01/07/05

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100